G. R. S. 58]

Previous references.

File No. 73 of 18

~~191~~ 1895

(Police)

Serial Nos. 1-7

Later references.

15

72-95-14

G. T. 15-34 (1-4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

Part B for 1895

SUBJECT.

Transfer of the Rail-way jurisdiction on certain lands occupied by the State Rail-way to the British Government

---

Y. $\frac{4779}{196}$ d 1-4-96, from the Registrar, Chief Court Mysore, Returns copy of the Govt of India Notification dated 6-2-96 received under L. No $\frac{11138}{g\ 1223}$ d 30-3-96

W D 1351—GPB—20,000—18-12-15

No 305 D

MEMO OF PAPERS CIRCULATED TO COUNCILLORS

SUBJECT.

Correspondence re
lating to the transfe
to the British Governmen
of the Darbar's jurisdic
over the lands occupie
by the following Railwa
lines:

(1) Bangalore-Harihar
(2) Yesavantapur-Hindup
(3) Kolar Gold Fields.

By order,

L Narasimha Ra

20th March 1896 for ~~General~~ Secretary.

To—

Rajadharma Pravina
T. R. A. Thumboo Chetty, Esq., C.I.E.

P. N. Krishna Murti, Esq.

31/3/96

Khan Bahadur Abdul Rahman, Esq. 20/3 24/3

The Dewan Secretary.

2

Libo.

Please see Notifications at page 61 of this Gazette. May it be re-published? We are likely to receive a copy officially through the Residency.

Yes. It may be republished unless a Notification of our own. I think. Submit to Secy.

4/2/97

Please wait for a week or two. Then republish & we should hear from the Resident. —

5-2-97

Yours sept

Sprigg

The [illegible] to [illegible]
to [illegible] - J E

(53) I

P-930

From The ~~General Secretary to the~~ Govt. of Mysore.

J 1254

To The Dewan of Mysore

Section Police
File No 73 of 95
Serial No 1

Dated 26th Febry 1896

Despatched

Received

General No. 674
No.

Enclosure No. 2.

Intimating that H. Majesty's Secy of St has agreed to the admn-istration of Justice on M.S. Ry from Hariha Bangalore inclu- the extension to Hindu and on the Kolar & Fields Ry, being unde by the Courts of the Dist Sts, Bangalore, as Police Estt been corporated -bore force.

27/2/96 28 (2)

No. 674 Ex 2

FROM

THE FIRST A[illegible]NT TO THE RESIDENT IN MYSORE.

TO

The Dewan of Mysore

Dated Bangalore, 26th February 18

SIR,

With reference to your letter cited
margin Communicating the agreement of His
the Maharajah to transfer to the Governor-Gene
in Council full jurisdiction on all lands occ
by certain railways in the Mysore State, I am
directed to inform you that Her Majesty's Secret
of State has agreed that the administration o
justice on the Mysore State Railway from B
to Bangalore including the extension to Hindup
and on the Kolar Gold Fields Railway should
undertaken by the Courts of the Civil and Mi
Station of Bangalore, and that the police establ
should be incorporated in the Bangalore force
marginally cited* Notifications have accordingl
iss

No: 31 dated the 4th April 1893.
dated the 20th Nov: 1893.

* No: 507. J. } dated the
" 508. J. } 6th February
" 509. J } 1896.

ied by the Government of India on the subject, copies
hich are enclosed for the information of the Darbar.

The police establishment as shown in the enclosed
ment has also been sanctioned by the Government
dia; as regards its cost and the adjustment of other
ental charges rendered necessary by the cession of
sdiction, I am to say that the Government of India
ie that in British India all Police charges on a section
railway not open for traffic are defrayed by the Local
rnment or Administration through whose jurisdiction
liway is being made, on the principle that the duties
olice employed are then confined to the preservation of
id order, for maintaining which the responsibility
ith the Local Government or Administration concerned.
lines of railway, the practice generally observed in
l India is to divide the police charges in the ratio of
to three between the railway administration and the
rnment. This distribution of charge was made upon
is of the number and cost of the police actually
d on the East Indian Railway, which was taken
eat railway, on the duties assigned to the railway
istration and the State respectively, as explained
The duty and cost of dealing with offences committed
ailway limits were accepted by Government, the
cost of keeping order at railway stations and of

watching

watching standing passenger trains, goods shed, goods train and railway buildings, were accepted the railway administration. For general convenience, these duties were originally combined in a single police force, but subsequently it was found more economica to allow the Railway Companies to appoint for the purpo of watch and ward, Chowkidars, who could also be employed on other than police duties: Enrolled police therefore, now chiefly used on the railways to maintain law and order, but when calculating the distribu of police charges, that term is held to include the Chow dars' establishments above mentioned in addition the enrolled police, and Government pay three-tenth of the whole cost as part of the ordinary police admin -tion.

The Government of India are of opinion tha the case of railways in Native States the sa principles should be applied to the division between the charges of watch and ward, which are prop part of the working expenses of the railway, and duties of the maintenance of law and order, wh appertain to the duties of police administration. Accordingly, in the absence of special reasons contrary, Native States have been called on to all police charg- which may be incurred du

Construc

struction in respect of the portions of railways running
gh their territories. After such a line is opened,
n-tenths of the police charges, including under that term
charges for watch and ward as ordinarily defined on
ian railways as well as those for law and order, should
debited to the railway administration as working expenses,
d the remaining three-tenths should be defrayed by the
le or States through which the railway runs, in proportion
the length of the line in each State. On these principles
Mysore Darbar will defray three-tenths of the police
rges, including contingencies, incurred on the lines
question.

The cost of the railway police, it will be seen
n the statement enclosed, is Rs: 1914/ a month to which
st has added a certain sum for contingencies; this has
been definitely fixed by the Government of India but
taken at Rs: 400/ a month, so the total cost will
Rupees 2314/ per mensem, of which the Darbar's share
about Rs: 700/.

With reference to paragraph 2 of your letter
the 4th April 1893 asking that some provision should
de for the extradition of offenders from railway
, and for the execution within those areas of Civil
al and Revenue processes issued by Mysore
I am to say that the arrangements in force in
the

altered by Residency letter of 5 March 94 to Rs 288 a month 2314 - total Cost; 660 Darbar's Share

the Civil and Military Station may be held to
to the railway lands by virtue of this letter and p
I of the Government of India notification No: 50
dated the 6th February 1896.

5. If any formal handing and taking ov
charge is considered necessary I am to say th
Mr. H. F. Wilkieson has been appointed Superinte
of Railway police, and has received the necessary
instructions.

I have the honor to be,

Sir,

Your most obedient servant,

K. D. Erskine Captain,

First Assistant Resident

No. 507-I.

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT.

NOTIFICATION.

FORT WILLIAM, *the 6th February 1896.*

Whereas His Highness the Maharaja of Mysore has ceded to the British Government full jurisdiction within the lands in his territory (including the lands occupied as stations, out-buildings and for other railway purposes), which are occupied or may be hereafter occupied by the following lines of railway in the Mysore State, namely: (1) the Bangalore Branch of the Madras Railway; (2) the Mysore State Railway from and inclusive of the Harihar Railway Station to and inclusive of the Bangalore Railway Station; (3) from and inclusive of the Yeswanthpur Junction Railway Station to the frontier of the State on the Bangalore-Hindupur section of the Mysore State Railway; and (4) the Kolar Gold-Fields Railway: in exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following orders:—

PART I.

All laws for the time being in force in the Civil and Military Station of Bangalore shall be deemed to be in force in the aforesaid lands:

Provided that notwithstanding anything in the Code of Criminal Procedure (Act X of 1882) or the Police Act (V of 1861) or in any other enactment for the time being in force, the Governor-General in Council may confer on any police officer all or any of the powers conferred or conferable by or under the Code on any Magistrate, in regard to particular cases or to a particular class or particular classes of cases or to cases generally.

PART II.

For the purposes of the exercise of criminal jurisdiction within the aforesaid lands, the Governor-General in Council is pleased to make the following arrangements:—

(1) There shall be a Railway Magistrate, who shall be the District Magistrate of the Civil and Military Station of Bangalore.

(2) The Railway Magistrate shall have the powers of a District Magistrate, as described in the Code of Criminal Procedure.

(3) There shall be a Superintendent of Railway Police, who shall be such person as the Governor-General in Council may from time to time appoint in that behalf.

(4) The Superintendent of Railway Police shall have the powers of a District Superintendent of Police as described in Act V of 1861, and the ordinary powers of a Magistrate of the first class with summary powers as described in the Code of Criminal Procedure.

(5) The Resident in Mysore shall have the powers of an Inspector-General of Police and of a Local Government, as described in Act V of 1861.

(6) The First Assistant to the Resident in Mysore shall have the powe of a Court of Session, as described in the Code of Crimin Procedure, in respect of all offences over which Magister jurisdiction is exercised by the Railway Magistrate or the Super-intendent of Railway Police.

(7) The Resident in Mysore shall have the powers of a High Court, as described in the Code of Criminal Procedure, in respect of all offences over which the jurisdiction of a Court of Session is exercised by the First Assistant to the Resident, and for all purposes whatsoever connected with the administration of criminal justice.

(8) This part of this Notification applies to all proceedings except—

(*a*) proceedings against European British subjects, or persons jointly charged with European British subjects; and

(*b*) proceedings pending at the date of this Notification which should be carried on as if this Notification had not been issued.

Part III.

For the purposes of the exercise of civil jurisdiction within the aforesaid lands, the Governor-General in Council is pleased to make the following arrangements :—

(1) There shall be two Courts of Small Causes—the first with jurisdiction in all suits cognizable under Act IX of 1887, when the amount or value of the subject-matter does not exceed five hundred rupees, and the second when the amount or value of the subject-matter does not exceed fifty rupees.

(2) The District Judge of the Civil and Military Station of Bangalore shall be the Judge of the First Court, and the Superintendent of Railway Police shall be the Judge of the Second Court.

(3) There shall be a District Court having the powers of a District Court as defined in section 2 of the Code of Civil Procedure, and with jurisdiction in all original suits, whatever be the amount or value of the subject-matter, and in all other cases in which jurisdiction is conferred on the District Court by any law for the time being in force in the aforesaid lands.

(4) The District Judge of the Civil and Military Station of Bangalore shall be the Judge of the District Court.

(5) Appeals shall lie subject to the provisions of the enactments for the time being in force in the aforesaid lands, against the decrees and orders of the District Court to the Resident in Mysore, who shall exercise the powers of an Appellate Court as defined in the Code of Civil Procedure.

(6) Subject to the provisions of the said enactments the Resident in Mysore shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the aforesaid lands

Part IV.

5. The Notification by the Government of India in the Foreign Department, No. 292-I., dated the 5th February, 1883, is hereby cancelled.

(Sd.) W. J. CUNINGHAM,
Secretary to the Government of India.

No. 508-I.

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT

NOTIFICATION.

FORT WILLIAM, *the 6th February 1896.*

With reference to the Notification by the Government of India in the Foreign Department, No. 507-I., dated the 6th February, 1896, the Governor-General in Council is pleased to appoint Mr. H. F. Wilkieson, Officiating District Superintendent of Police of the Civil and Military Station of Bangalore, to be Superintendent of Railway Police in the Mysore State, and to invest him with all the powers conferred by the said notification on the Superintendent of Railway Police.

(Sd.) W. J. CUNINGHAM,
Secretary to the Government of India.

No. 509-I.

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT

NOTIFICATION.

FORT WILLIAM, *the 6th February 1896.*

Whereas the Governor-General in Council has full jurisdiction within the lands in the Mysore State which are, or hereafter may be, occupied by the portions of the Mysore State Railway specified below and the Kolar Goldfields Railway:

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that the following addition shall be made to the Notification of the Government of India in the Foreign Department, No. 1328-I., dated the 3rd March, 1891, namely :—

In the Schedule, *after* the entries relating to the Jammu and Kashmir Railway and Morvi State Railway, respectively, *insert* the following:—

Kolar Gold-Fields Railway Mysore State Railway from and inclusive of the Harihar Railway Station to and inclusive of the Bangalore Railway Station, from and inclusive of the Yeswanthpur Junction Railway Station to the frontier of the State on the Bangalore-Hindupur section.	Mysore Mysore		The Resident in The Resident in

(Sd.) W. J. CUNINGHAM,
Secretary to the Government of India.

No. 510/511-I.

A copy of the foregoing notifications is forwarded to the Resident in Mysore / Public Works Department / the Govt. of India in the Foreign Dept. / the Foreign Department, for information, in continuation of the letter / endorsement from No. 512/514-I., dated the 6th February 1896.

By order, etc.,

(Sd.) H. DALY,
Assistant Secretary to the Government of India.

FOREIGN DEPARTMENT;
Fort William,
The 6th February 1896.

Force recommended for the Railway Police on the Harihar to Bangalore and Hindupur including the cost of supervision and of increases to existing Office Establishments of the Police.

	Designation.	Total cost.
		Rs. a. p.
	Executive Force, Bangalore-Arsikere Section.	
1	Inspector who will be in charge of three police sections	120 0 0
1	Head Constable, 3rd grade	20 0 0
2	First class Sergeants, at Rs. 15 each	30 0 0
9	Second class Constables, at „ 9 „	81 0 0
30	Third class do. at „ 8 „	240 0 0
43		491 0 0
	Arsikere-Harihar Section.	
1	Sub-Inspector	75 0 0
1	Head Constable, 2nd grade	30 0 0
4	First class Sergeants, at Rs. 15 each	60 0 0
17	Second class Constables, at „ 9 „	153 0 0
47	Third class do. at „ 8 „	376 0 0
70		694 0 0
	Bangalore-Hindupur Section.	
1	Head Constable, 2nd grade	30 0 0
1	First class Sergeant, at Rs. 15	15 0 0
14	Second class Constables, at „ 9 each	126 0 0
21	Third class do. at „ 8 „	168 0 0
37		339 0 0
150	Total Executive Force	1,524 0 0
	Add—	
	Local allowance for Superintendent of Police, Bangalore.	100 0 0
	Increase of pay for Head-quarter Inspector, Bangalore	40 0 0
	Increase of pay for Accountant	20 0 0
	New appointment of Circuit or Court clerk	40 0 0
		200 0 0
	Total extra cost on account of Railway Police supervision, and existing office establishment.	1,724 0 0

Cost of the force recommended for the Kolar Gold-fields Railway.

Number.	Designation.	Total cost.
		Rs. a. p.
	Executive Force.	
1	European Head Constable	40 0 0
1	First class Constable	10 0 0
4	Second class Constables, at Rs. 9 each	36 0 0
13	Third class do. at „ 8 „	104 0 0
19	Total	

Total for both railways Rs. 1,914 a month.

12 [illegible] 189

From The 1st Asstt Resdt.
~~The General Secretary to the Govt of Mysore.~~

To

Section Police
File No 730 of '01
Serial No 2

Dated 5th March 02
Despatched
Received

General No 787
No

Enclosure No.

Requesting to substitute the within mentioned paragraph for the 3rd para of his letter No 674 of 26th ultimo

No. 787 - Ex/Vol

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 5th March 1896.

SIR,

I am directed to ask you to be so good as
substitute the following paragraph for the
para of my letter No. 674 dated the 26th ult

"3 The cost of the railway police it will
seen from the statement enclosed is Rs 1914/- a
month to which must be added a certain su
for contingencies, this has not been definitely
fixed by the Government of India but may
taken at Rs 288/- a month so the total cost a
Rs 2202/- per mensem, of which the Durbar's
will be about Rs 660/-"

I have the honour
Sir
your most Obedient
K. D. Erskine
First Asst to R

ie fils a monté une
Veaux de 25 Lou
Mercredi dernier
Cubel le
5-3-96

No. 57 D
Camp. Mysore
13. 3. 96
Desp^d 13/3

56

Section	Police
File No	73 of 95
Serial No	3

To

The Resident in Mysore

Sir,

I have the honor to acknowledge the receipt of Residency Letter No. 674 & 787 D 26 Feb and 5th March 1896 relating ~~relating~~ to the transfer of full jurisdiction to His Excellency the Governor General in Council over all lands occupied by the marginally noted State Railways ~~within the Mysore State~~ and in reply I beg to inform you that the Durbar have issued the needful instructions to the officers

1. Bangalore. Harihar.
2 - Gersappa. Hindupur Frontier
1
3. Kolar Gold Fields Branch

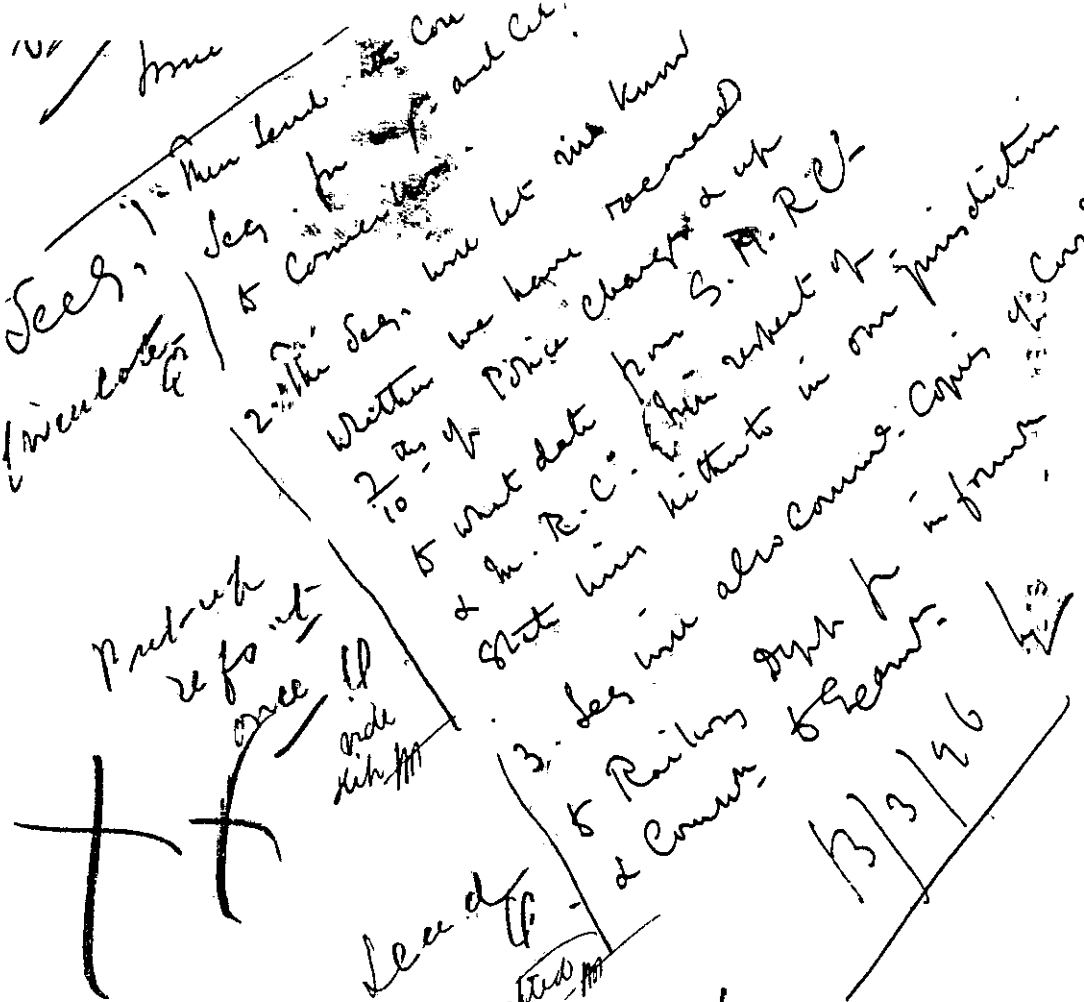
Concerned for giving due effect to the transfer of jurisdiction above mentioned

2. The apportionment of ~~the~~ Police charges between the Railway Administrations Concerned and the Govt. is in accn with the existing practice and Each Rate Railway above named will bear as part of its working expenses seven tenths of the Police charges incurred upon it by the British Govt. – But as regards ~~the~~ the Govt share of these charges, namely three tenths, it seems debitable not to the Durbar but to the British Govt, for whenever plenary jurisdiction within the State is ~~Con~~ ceded to the ~~State~~ British

Govt., the funds required for the exercise of such jurisdiction is never provided by the Ceding State, nor does para 15 of the ~~Instrument~~ Instrument of Transfer lay down a different principle in the case of Railway jurisdiction. The correspondence ~~between the Durbar & the Residency~~ relating to the transfer of the jurisdiction in question, ~~leads no doubt to~~ ~~is indeed silent does~~ did not lead the Durbar to expect that it would be called upon to bear the jurisdiction charges when once the transfer had been made ~~was effected~~

Yours

J. 13.3.46



18 ✓ No: 10750 / 11179 dt 18-3-96

(57)

To

The Secretary to Govt.
of Mysore
Railway Dept

Section	Police
File No	13 of 1895
Serial No	4

Sir,

I am directed to forward for information & communication to the Examiner P. W. D. Copy of the correspondence noted below relating to the transfer to the British Govt. of the jurisdiction on all lands now occupied by the marginally noted state Railways

1. Bangalore - Hindupur
2. Yesvantpur - Hindupur frontier and
3. Kolar Gold fields Branch

(1) Letter No 674 dated the 26 February 1896 from the Asst. to the Resident to the Dewan.
(2) Letter No 787 dated the 5th March 1896 from — do — to do
(3) Letter No 57/D. dated 13 March 1896 from the Dewan to the Resident.

I have &c

Issued, diaries and note to Genl. Br: for circulation 20-3-96

After case file to be circulated to Comml. 26/3/96

No. 11139 / 1224 dt 30-3-96

To

(5 8)

Ser (53)

Section	Police
File No	73 of 7.
Serial No	5

(Here enter extract of para 4 of letter No. 674 dt 26-2-96 from the 1st Asst. to the Resident in Imgore)

Ser (54) a

The above extract together with a copy of the Govt of India Notification No. 507 dt 6th Feb. 1896 referred to therein, is forwarded to the Insp. Genl of Police in Imgore for information.

D. C.

243

Secretary.

11138 / 1223 dt 30-3-96.

(Here enter Extract of para 4 of letter No: 674 dated 26-2-96 from the 1st Asst to the Resident in Mysore.)

× × ×

The foregoing Extract together with copy of Govt of India Notification dated 6th February 1896 is forwarded to the Registrar, Chief Court for information.

By order.

7/3/96 Sheristadar

Re: Correspondence between the British Govt & the Government of Mysore in matters of State Railways.

Section	Police
File No	73 of 95
Serial No	6

× to be kindly returned.

Will follow. ⊗

⊗ Sent on 1-4-96

Kpl. Sendung für Ausl.

SIV
26.3.16

Send papers today to
Law Committee

LTB. 2P

92

(General Serial No. 30).

DEWAN OF MYSORE

1895/96

From

The Registrar of the

Chief Court of Mysore,

To

~~Genl~~

The ~~Chief~~ Secretary

to the ~~Dewan~~ of Mysore.

Dated 1st April/96

Despatched 8th —

Received 8 — " —

Enclosures No. one

General No. 4779

No. 196

Returns copy of Government of India Notification dated 6th February 1896 received with his letter No. 11138/1223 dy 30th March/96

Jud 8.4.96

Submitted 9/4/96.

N 4779/196 Inclosure

23

Bangalore 1st April 1896

From

The Registrar of the
Chief Court of Mysore

To

The Secretary to the
Government of Mysore

Sir,

I have the honor to return the copy of the Government of India Notification dated 6th February 1896 received with your letter No 11138/J1223 dated 30th March 1896.

I have the honor to be,
Sir
Your most obedient Servant.

Sd Ayaz Ahmad
Registrar.

Sd